

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
OMAR MOGOLLON,	:	
	:	19 Cr. 837 (JPO)
Defendant.	:	
-----	X	

WHEREAS, on or about November 19, 2019, OMAR MOGOLLON (the “Defendant”), among others, was charged in a three-count Indictment, 19 Cr. 837 (JPO) (the “Indictment”), with conspiracy to operate an unlicensed money transmission business, in violation of Title 18, United States Code, Section 371 (Count One); operation of an unlicensed money transmission business, in violation of Title 18, United States Code, Sections 1960 and 2 (Count Two); and international money laundering, in violation of Title 18, United States Code, Sections 1956 (a)(2)(A) and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count Three of the Indictment, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count Three of the Indictment;

WHEREAS, on or about August 12, 2022, the Defendant pled guilty to Count Three of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), a sum of

money equal to \$649,982 in United States currency, representing property involved in the offense charged in Count Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$649,982 in United States currency representing the amount of property involved in the offense charged in Count Three of the Indictment, for which the Defendant is jointly and severally liable with co-defendant Luis Felipe Gonzalez Arcila (“Arcila”) up to \$133,045, the amount of the forfeiture money judgment entered against Arcila in this case on December 2, 2021 and co-defendant Ivan Rojas Acosta (“Acosta”) up to \$155,916, the amount of the forfeiture money judgment entered against Acosta in this case on January 7, 2022; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count Three of the Indictment cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Cecilia E. Vogel, of counsel, and the Defendant and his counsel, Andrew Patel, Esq., that:

1. As a result of the offense charged in Count Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$649,982 in United States currency (the “Money Judgment”), representing the amount of property involved in the offense charged in Count Three of the Indictment, for which the Defendant is jointly and severally liable with co-defendant Luis Felipe Gonzalez Arcila (“Arcila”) up to \$133,045, the amount of the forfeiture money judgment entered against Arcila in this case on December 2, 2021 and co-defendant Ivan

Rojas Acosta ("Acosta") up to \$155,916, the amount of the forfeiture money judgment entered against Acosta in this case on January 7, 2022, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, OMAR MOGOLLON, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:

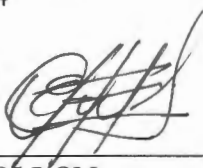

Cecilia E. Vogel

Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1084

8/12/22
DATE


OMAR MOGOLLON

By:


OMAR MOGOLLON


8/12/22
DATE

By:


Andrew Patel, Esq.
Attorney for Defendant
15 Chester Avenue
White Plains, NY 10601

8/12/22
DATE

SO ORDERED:


HONORABLE J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE

8/12/22
DATE